

Supporting Statement for Paperwork Reduction Act Submissions

for applications and reports for **Take of Depredating Eagles Permits** contained in the regulations at 50 CFR 22.23.

A. Justification

The following information is provided as part of a request to renew the Office of Management and Budget's approval for information collection pursuant to regulations that implement the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The information collection for Take of Depredating Bald and Golden Eagle Permits involves two forms tailored specifically to the requested activity—a permit application form and an annual report form. The regulations authorize parties to take, possess, or transport depredating bald or golden eagles. The Application Form for the permit is assigned **Form 3-200-16**. The Annual Report for the permit is assigned **Form 3-202 g**, which is the same annual report form used for permits for Depredation and Special Canada Goose permits under the MBTA.

1. The Migratory Bird Treaty Act (MBTA) implements four treaties to protect migratory birds that the United States signed with Canada, Mexico, Japan, and Russia. The prohibitions under the MBTA effect the conservation objectives of the treaties. The Bald and Golden Eagle Protection Act (BGEPA), provides additional protections to bald and golden eagles. Under both the MBTA and BGEPA, it is unlawful to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase or barter, any migratory bird, their parts, nests, or eggs, except as permitted by regulations. Regulations implementing the MBTA and BGEPA authorize certain activities through a permitting system. The MBTA defers to the permitting provisions of BGEPA for most eagle permits. The regulations for permits for Take of Depredating Eagles appear in 50 CFR 22.21. The information collection requirements necessary for the public to apply for the permits and to comply with reporting requirements are contained in the current OMB approval. Since the issuance of the current OMB approval, the applications and report forms have been re-formatted, streamlined, and modified for clarity.

The appropriate sections of the MBTA and the BGEPA and the implementing regulations mandating or authorizing the collection of information are attached.

2. Use of Information Collected on Forms

A. Application. The application information collection is achieved using the Service's Application **Form 3-200-16**, which addresses the application requirements contained in 50 CFR 22.23. The information is used by the Service to evaluate whether a permit can be issued to allow the applicant to take, possess, and transport depredating eagles. The permits are valid for no longer than 90 days.

Annual Report. If a permit is issued to Take Depredating Eagles, the permittee required to submit an annual report within 10 days of conducting the activity authorized by the permit. The report information is used by the Service to determine whether a permit holder is in compliance

with his or her permit and to track the number of birds actually taken under the permit and monitor impact on the resource.

3. To date, the electronic submission of the application is not possible. We must receive an originally signed application form. Facsimile and e-mailed signatures are not accepted, although applicants may submit supporting materials by facsimile transmission. We expect that as technology advances, we will be able to accept electronic submissions of applications. Therefore, we have changed the format of page 1 of the application form so that the information fields on the form correspond to the data fields in our Service-wide permit issuance and tracking computer system. Once the form is approved, it will be posted on the Internet in a format that will allow the public to complete the form on-line and print the completed form for signature and submission.

4. No duplicate information is collected elsewhere in the Service that could be used to decide whether this permit can be issued or whether a permittee is in compliance with his/her permit. Except for general information such as name and address, no other Federal agency collects information of this kind.

5. The Service estimates that 3 small businesses and/or small entities annually submit applications for Take of Depredating Eagles and 8 submit annual reports that contain these information collection requirements. This is not considered a substantial number of small businesses.

6. The consequence of not collecting the information contained in this application form is that the applicant would not be issued a permit since the collected information is either required on the permit itself or needed to make the legal findings and determinations under the BGEPA and the MBTA.

7. It is not anticipated that a respondent would have to address any of the information collection methods or circumstances described in this justification instruction.

8. We will request comments on this information collection in a Federal Register notice.

9. There is no provision within the BGEPA or the MBTA to provide any gift or payment to respondents.

10. Since the information collected is subject to the requirements of the Privacy Act and the Freedom of Information Act, the Service can assure confidentiality to respondents. All applicants receive an information sheet explaining the requirements of both Acts.

11. None of the information collected on this application form is of a sensitive nature.

12. Service experience indicates that approximately 3 respondents will apply for a permit to Take Depredating Eagles each year. (This does not include the number of permittees requesting renewal of a permit due to expire, which is captured under the permit renewal application form

3-200-58.) The frequency of response is on occasion. It will take the respondent an average of 1.5 hours to complete the application, with a total burden assumed by all applicants of 4.5 hours. Approximately 8 permits are valid during any given year, and each permit requires an annual report which takes approximately 15 minutes (0.25 hours) to complete. The total annual report burden assumed by all applicants would be 2 hours. Therefore, the total annual burden to Take of Depredating Eagle permittees is 6.5 hours.

We estimate that 3 small businesses and/or small entities annually submit applications and 8 submit reports that contain these information collection requirements. Assuming an hourly cost of \$10.00 yields \$ 65 (\$ 45 for applications + \$ 20 for annual reports) plus a \$25.00 application fee (\$ 75), totaling \$ 140.

13. The annual "out of pocket" cost to the respondents is approximately \$ 75 (3 applicants multiplied by the \$25 application processing fee).

14. The annualized cost to the Federal Government for processing the applications is approximately \$ 189. This value is based on the average salary per hour of the Service personnel likely to be involved in the processing of the applications (\$17), plus operational expenses per hour (\$4), multiplied by the estimated number of hours required to process an application (3), multiplied by the number of applications the Service receives each year (3).

The annualized cost to the Federal Government for processing the annual reports is approximately \$ 42. This value is based on the average salary per hour of the Service personnel likely to be involved in the processing of the reports (\$17), plus operational expenses per hour (\$4), multiplied by the estimated number of hours required to process a report (15 minutes, or .25 hours), multiplied by the number of reports the Service receives each year (8).

The total annualized cost to the Federal Government for processing Take of Depredating Eagle permits is \$ 231.

15. Any decrease in the estimated annual burden on the public and the cost to the Government is primarily a result of our adjustment of our information collection analysis to differentiate between new permit applications (i.e., new respondents) and requests to renew existing permits that are due to expire. We have developed a streamlined renewal application (see form 3-200-58), which takes considerably less time to complete. Previous respondent figures for this permit application included applications received requesting renewal of a permit due to expire.

16. There are no plans for publication of the results of this information collection.

17. The Service is not seeking approval to not display the expiration date for OMB approval.

18. There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I for the information being collected by this application form.

B. Collection of Information employing Statistical Methods.

No statistical methods are used.